

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CU-10-66
THOMAS LEPERE,	)	
	)	ORDER NO. 772
Complainant,	)	
and	)	ORDER CONSOLIDATING CASES
	)	FOR DISPOSITION; NOTICE OF
UNITED PUBLIC WORKERS, AFSCME,	)	HEARING ON MOTION TO DIS-
LOCAL 646, AFL-CIO,	)	MISS; NOTICE OF PREHEARING
	)	CONFERENCE AND HEARING ON
Respondent.	)	PROHIBITED PRACTICE COM-
	)	PLAINTS

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In the Matter of	)	CASE NO. CE-10-133
THOMAS LEPERE,	)	
	)	
Complainant,	)	
and	)	
	)	
JOHN WAIHEE, Governor, State	)	
of Hawaii and DEPARTMENT OF	)	
CORRECTIONS, State of Hawaii,	)	
	)	
Respondents.	)	

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ORDER CONSOLIDATING CASES FOR DISPOSITION; NOTICE  
OF HEARING ON MOTION TO DISMISS; NOTICE OF PREHEARING  
CONFERENCE AND HEARING ON PROHIBITED PRACTICE COMPLAINTS

On February 6, 1990, Complainant THOMAS LEPERE filed a prohibited practice complaint with the Hawaii Labor Relations Board (Board).

The Complainant alleges, inter alia, that Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) violated Subsections 89-13(b)(2), (3), (4), and (5), Hawaii Revised

Statutes (HRS), by violating the terms of a collective bargaining agreement relating to the UPW's alleged failure to take steps to process Complainant's grievance relating to his suspension to arbitration, allegedly without just cause. Further, Complainant alleges that UPW failed to initiate grievances regarding violations of Section 18 of the Unit 10 collective bargaining agreement. In addition, Complainant contends that UPW failed to grieve other violations of the contract.

Similarly, on February 6, 1990, Complainant filed a prohibited practice complaint against JOHN WAIHEE, Governor, State of Hawaii and DEPARTMENT OF CORRECTIONS, State of Hawaii, alleging violations of Subsections 89-13(a)(6), (7), and (8), HRS, by violating the terms of a collective bargaining agreement relating to the failure of providing Community Workline Supervisors "duty free" meal and rest periods which ultimately resulted in the Complainant's suspension, allegedly without just cause. Alleged contract violations involve Sections 1, 11, 18 and 56 of the agreement.

As these complaints involve substantially the same parties and issues, the Board finds that consolidation of the proceedings would be conducive to the proper dispatch of business and the ends of justice and will not unduly delay the proceedings. Pursuant to Administrative Rules § 12-42-8(g)(13), these complaints and the proceedings thereon are hereby consolidated for disposition.

On March 5, 1990, UPW filed a Motion to Dismiss in Case No. CU-10-66. Oral arguments will be heard on March 15, 1990 at 9:45 a.m. in the Board's hearings room, Room 203, 550 Halekauwila Street, Honolulu, Hawaii.

YOU ARE ALSO HEREBY NOTIFIED that the Board, pursuant to Subsection 89-5(b)(4), HRS, and Administrative Rules § 12-42-47, will conduct a prehearing conference, if necessary, on the above-entitled prohibited practice complaints following the hearing on the above-referenced motion. The purpose of the prehearing conference is to arrive at a settlement or clarification of the issues, to identify and exchange witness and exhibits lists, if any, and to the extent possible, reach an agreement on facts, matters or procedures which may facilitate and expedite the hearing or adjudication of the issues presented.

YOU ARE ALSO NOTIFIED that the Board will conduct a hearing in this matter, pursuant to §§ 89-5(b)(4) and 89-14, HRS, and Administrative Rules §§ 12-42-49 and 12-42-8(g) on the instant complaints on March 29, 1990 at 9:00 a.m. in the above-mentioned hearings room. The purpose of the hearing is to receive evidence and arguments on whether Respondents committed prohibited practices as alleged by the Complainant. The hearing may continue from day to day until completed.

All parties have the right to appear in person and to be represented by counsel or other representative.

THOMAS LEPERE v. UNITED PUBLIC WORKERS, AFSCME, LOCAL 646,  
AFL-CIO; CASE NO. CU-10-66  
THOMAS LEPERE v. JOHN WAIHEE, Governor, State of Hawaii and  
DEPARTMENT OF CORRECTIONS, State of Hawaii; CASE NO.  
CE-10-133

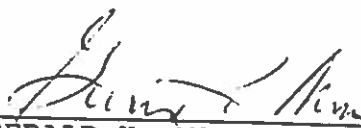
ORDER NO. 772

ORDER CONSOLIDATING CASES FOR DISPOSITION; NOTICE OF HEARING  
ON MOTION TO DISMISS; NOTICE OF PREHEARING CONFERENCE AND  
HEARING ON PROHIBITED PRACTICE COMPLAINTS

DATED: Honolulu, Hawaii, March 7, 1990.

HAWAII LABOR RELATIONS BOARD

  
BERT M. TOMASU, Chairperson

  
GERALD K. MACHIDA, Board Member

  
RUSSELL T. HIGA, Board Member

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